

**STATEMENT OF  
REPRESENTATIVE EDWARD J. MARKEY (D-MA)  
ON PASSAGE OF INTELLIGENCE REFORM BILL**

**December 7, 2004**

I am pleased to rise in support of this bill to implement some of the recommendations of the 9-11 Commission.

After 9-11, those who lost family members and friends wanted to know “why.” But the Bush Administration was scared that an honest answer to that question might highlight flaws in its own policies and decisions, so it opposed the creation of an independent 9-11 Commission.

The families won that hard-fought fight, and the Commission made numerous recommendations to reorganize the intelligence community and strengthen both the implementation and Congressional oversight of homeland security.

Although the Senate put together a bipartisan bill that was true to the spirit of the 9-11 Commission recommendations, the House version catered to anti-immigration groups’ agendas and to Donald Rumsfeld’s struggle to keep all of his Department’s intelligence turf intact.

I am extremely pleased that the unwavering determination of the 9-11 family members finally convinced the President and the Speaker to stop allowing the voices of the few dissenters to stymie the will of the majority of Members and Senators who’ve wanted to see this legislation enacted into law. In particular, I recognize and honor the extraordinary efforts of to enact this bill by Ms. Carie Lemack, whose mother, Framingham MA resident Judy Larocque, was killed aboard American Airlines Flight 11. Ms. Lemack is a member of the 9/11 family Steering Committee, and she and others on the Steering Committee have worked tirelessly to ensure both the creation of the 9/11 Commission and the enactment of this bill.

The legislation before us today takes some important steps to implement the recommendations of the 9-11 Commission:

- It establishes a Director of National Intelligence with appropriate budgetary and personnel authority.
- It establishes a National Counterterrorism Center to ensure that all elements of counterintelligence operations planning are coordinated.
- It establishes an independent privacy and civil liberties board to ensure that concerns are addressed.

and

- It takes specific steps to increase border security.

However, some of the other measures contained in the bill, while useful, in my opinion do not go far enough:

- While the Hostettler amendment to facilitate the rendition of certain foreign persons to countries that practice torture was stripped from the bill in conference, along with other anti-immigrant provisions, there is no restriction in the bill that prohibits the secret transfer of detainees to other countries where they will likely be tortured in the name of the U.S. This practice is in direct violation of the Convention Against Torture, a treaty the US has signed, and the 9/11 Commission specifically called for reforms in this area to ensure the humane treatment of captives in the war against terror. I will continue to work until my bill to outlaw outsourcing torture, H.R.4674, is passed and I will continue to oppose efforts to move legislation that would in any way legitimize the practice of rendition to countries that practice torture.
- While the Secretary of Homeland Security is directed in this bill to develop a national strategy for transportation security, it should be abundantly clear that numerous loopholes in this area should be closed immediately: Since almost no cargo placed on passenger airlines is subject to screening for explosives, screening passenger baggage and patting down travelers provides a false sense of security to those flying; The Department has failed to install radiation detectors at all ports of entry to ensure that nuclear weapons cannot be smuggled into the country; And finally, the Department has continued to allow shipments of extremely hazardous materials that could kill thousands of people to travel through densely populated areas even when safe alternate routes are available. I will continue to work to close all of these transportation security loopholes.

Finally, I am also troubled that we have only had several hours to review this legislation. As we learned in recent weeks when a Republican staffer inserted intrusive tax return snooping provisions into the omnibus appropriations bill that no one knew existed and which later had to be removed, waiving the normal 72 hour layover rule for conference reports increases the likelihood that provisions that have not been thoroughly reviewed and do not reflect the will of the House can make their way into final legislation. While we all recognize the importance of the 9/11 legislation, it is my hope that in our efforts to enact it before we adjourn for the year, that language has not been included that will later prove to be ill-advised or carry with it unintended consequences.

I commend the 9-11 families for their heroic efforts to make this country more secure. Without them, we would not be standing here voting on this landmark legislation today. Today's vote is enormously important, but our efforts must not end today. I stand ready to continue the fight to ensure that the terrorist attacks of September 11 2001 cannot and will not be repeated.